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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,323	01/09/2004	Brett W. Sareyka	0326	7488
7590 10/28/2010				
Eugene Chovanes Jackson and Chovanes Suite 319 One Bala Plaza Bala Cynwyd, PA 19004-1455			EXAMINER CHAPMAN, JEANETTE E	
			ART UNIT 3633	PAPER NUMBER
			MAIL DATE 10/28/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/754,323

Applicant(s)

SAREYKA ET AL.

Examiner

Jeanette E. Chapman

Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 3 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-3, 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

In view of the Appeal brief filed on 9/17/10, PROSECUTION IS HEREBY REOPENED. A new office action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Brian Glessner/
Supervisor Patent Examiner

Drawings

The drawings are replete with inconsistencies ; element 25 is not shown as stated on page 6 of the specification; figure 2 shows connector 22, but does not include backstop 35 or 36 as mentioned on specification page 6; slot 23 of 20 is not clearly shown; figure 2 shows reference numbers 30 and 32, elements 32 points to a stop not and end; this drawing is inconsistent with pages 6-7 of the specification. It is suggested

that a separate figure should be shown for connector 21 as it is with connector 22 and the reference numbers should be consistent with the specification. Above are a few of the errors. Applicant is strongly advised to review the application for all of the errors and make the appropriate corrections. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 13 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by
Lickliter et al (3312488).

Claim 13

Lickliter et al discloses a connector (22) for a suspended ceiling grid , shown in figure 1, having a main beam (1) and cross beams (3) ,

- wherein a connector (2) on a cross beam (3)

(a) is capable of being stabbed through a slot (12) in the main beam (1) to lock with the main beam (1), and with an opposing identical connector (22) already in the slot (12), on a cross beam (3), and

(b) has a cantilevered locking latch (42) integral with and pivoted from a base (26/28) in the connector (22),

and wherein,

(c) when the connector (22) is stabbed through the slot (12) in the main beam (1), the locking latch (42) is capable of contacting a side of a slot (12) and being forced by a side of the slot (12) to flex toward the base (26/28) to permit the locking latch (40) to pass through the slot (23), and

(d) when the connector (22) has been stabbed through the slot (23), the locking latch (42) is capable of flexing back to a relaxed position wherein it is pivoted away from the base (26/28), to lock the connector (22) on cross beam (3) to the main beam (1),
the improvement comprising

the locking latch (42) formed with a curved portion, as clearly shown in figure 4, before extending in straight lever fashion wherein the curved portion of locking latch (40) is capable of delaying contact of the locking latch (42) with a side of the slot (12) when the connector (22) is stabbed through the slot (12) in the main beam (1), and whereby connector (22) is capable of being adjusted vertically without being forced against the connector (22) already in the slot (12) by the locking latch (42) in contact with a side of slot (12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lickliter (3312488).

Claim 2

Lickliter does not disclose the improvement of claim 13, wherein the radius is about .04 inches. Such a limitation would be well within the scope of the invention of the above references. Including the radius would only require routine experimentation. Applicant has not shown that the recited radius causes the connection to function differently or favorably over the prior art .

Claim 3

Lickliter does not disclose the improvement of claim 13, wherein the dimensions of figure 2a. Such limitations would be well within the scope of the invention of the above references. Including the dimensions would only require routine experimentation. Applicant has not shown that the recited dimensions cause the connection to function differently or favorably over the prior art .

Response to Arguments

Applicant's arguments filed in the appeal brief of 9/17/10 have been fully considered but they are not persuasive.

Applicant argues the following improvement:

"As set forth above and in the specification, and as defined in claim 13, the invention relates to a connector on a cross beam that is capable of being stabbed through a slot to lock with

- (i) a main beam and
- (2) an opposing identical connector already in the slot."

Response:

Lickliter clearly shows this structure as discussed in the above rejection.

Applicant further argues:

"In being stabbed through the slot, as further defined in claim 13, a cantilevered locking latch pivoted from the base of the connector contacts the side of the slot and is flexed toward the base to permit the locking latch to pass through the slot.

In the present invention as claimed, the cantilevered locking latch extends from the base in a curve, before extending in straight line fashion."

Response:

Again, Lickliter clearly shows this curved and cantilevered structure in figure 4. Also see column 3, lines 7-27 regarding the structure and function of the connectors with the locking latch.

Applicant continues to argue:

"By extending the locking latch from the pivot in a curve, before extending in straight line fashion, as claimed, contact between the latch and the side of the slot

is delayed. During such delay, no friction occurs between

(i) the latch and the side of the slot, and

(2) the connector being inserted, and the connector already in the slot (the "handshake").

During such delay, the connector being inserted in the slot is being positioned vertically, with no resistance from the connector already in the slot, since they are not being forced together by contact of the latch with the side of the slot, since there is a delay in such contact due to the curve in the latch. Because of the substantial reduction in friction in making a connection, as shown in the graphs in the drawings of the application, the work necessary to overcome such friction, whereby a ceiling can be assembled more efficiently, is also reduced."

Response:

Applicant is arguing more limiting than what is claimed. Further, the claims are directed to an article not a function or method; the structure of Lickliter permits the function as argued but not claimed. Further, column 3 explains the function which is clearly mimicking applicants argued but not claimed function.

Applicant also argues:

"The locking latch in Lickliter '488 is shown and described as a spring finger (col. 2, line 67; Figures 2 and 8), element 42. Clearly, this is a straight latch, that, when contacting the side of the slot is squeezed into the opening 32, so that neck 28 can be inserted completely through the slot 12, after which spring finger 42 can again flex out of the opening 32 and lock neck 28 in slot 12. There is no locking of neck 28 to the neck already in the slot from the opposite direction; hence there is no "handshake" connection between opposing connectors in the slot, in Lickliter '488. The opposing connectors in the slot do not contact one another.

Response:

Applicant, again is arguing more limiting than what is being claimed. The claim does not recite a locking neck or its function. The claims do not recite a handshake connection and the connectors of Lickliter do contact each other as shown in figure 4; however this function also is not claimed.

Applicant also argues:

"The curve 44 referred to in the rejection is not in the spring finger 42, which is the locking latch that locks the connector to the main beam in Lickliter '488, but rather is on the front end of the neck simply to guide the front of the neck 28 into the slot 12, at the

beginning of the insertion through such slot 12. Curve 44 works entirely independently of the straight spring finger 42 locking latch in Lickliter '488. Hence, there is nothing in Lickliter '488 that teaches or suggests the present invention, as claimed, to one skilled in the art."

Response: reference to element 44 has been deleted. Figure 4 clearly shows a curved locking latch 42 capable of performing the argued though not recited function. Further applicant's element 44 clearly has a straight portion also which is more pronounced or clearly shown than that of Lickliter.

Applicant continues to argue:

"Claim 13, the independent claim in the present application, further clearly distinguishes from the Lickliter '488 disclosure. The claim, which is in Jepson form, defines the connector of the invention as being "...capable of being stabbed through a slot (23) in the main beam (20) to lock with the main beam (20), and with opposing identical connector (22), already in the slot (23), on a cross beam (27),..."

Lickliter '488 is not capable of locking...with an opposing connector (22) already in the slot (23), on a cross beam 27 ... " (the "handshake" connection)."

Response: Again the argued handshake connection is not claimed but merely argued and column 3, lines 7-27 clearly describes the handshake connection. Again, applicant is claiming an article not a method or function

Applicant also argues:

"The Lickliter '488 reference is for a connector on a cross beam that is stabbed through a slot on the main beam, only to connect with the main beam. It does not connect with

the opposing connector already in the slot. It is kept separated from the connector already in the slot by the shape of the slot, which has divider tabs (13,15) that extend from the top and bottom of the slot, as seen in his Fig. 7."

Response: Applicant is again arguing more limiting than claimed. The connectors connect via elements 13 and 15 which are termed stop tabs not divider tabs. They contact each other as clearly shown in figure 4

Applicant finally argues:

"In summary, Lickliter '488 does not have a locking latch (40) formed with a curved portion before extending in straight lever fashion, wherein the curved portion of locking latch (40) is capable of delaying contact of the locking latch (40) with a side of the slot (23) when the connector (21) is stabbed through the slot (23) in the main beam (20), and whereby connector (21) is capable of being adjusted vertically without being forced against the connector (22) already in the slot (23) by the locking latch (40) in contact with a side of slot (23).

Response:

Again applicant is arguing more limiting than what is claimed; the structure is clearly shown as discussed in the above rejection. The claims do not discuss the connector being capable of being adjusted vertically without being forced against the connector.

Regarding the affidavit of Gale E. Sauer:

The Lickliter patent was only mentioned in the affidavit but no arguments were presented as to why/how this reference does not apply to the claims and why/how this reference does not overcome the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanette E. Chapman whose telephone number is 571-272-6841. The examiner can normally be reached on monday-friday, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/
Primary Examiner, Art Unit 3633